

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: YOLANDA CARLETTE LAWSON §
§

Case No. 09-35043-H5-7
Chapter 7

MOTION FOR RELIEF FROM THE STAY REGARDING EXEMPT PROPERTY

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NO LATER THAN FIVE (5) BUSINESS DAYS PRIOR TO THE HEARING AND YOU MUST ATTEND THE HEARING.

THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN FIVE BUSINESS DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON AUGUST 19, 2009 AT 9 A.M IN COURTROOM 403 OF THE UNITED STATES COURT HOUSE LOCATED AT 515 RUSK AVENUE, HOUSTON, TEXAS 77012.

1. This motion requests an order from the Bankruptcy Court authorizing the person filing this motion to foreclose on or to repossess the property that is identified in paragraph 3.
2. Movant: Nuvell Credit Company LLC
3. Movant, directly or as agent for the holder, holds a security interest in one (1) 2008 Chevrolet Equinox bearing serial number 2CNDL23F886298798.
4. Movant has reviewed the schedules filed in this case. The property described in paragraph 3 is claimed as exempt by the Debtor. Movant does not contest the claimed exemption.
5. Type of collateral (e.g., Home, Manufactured Home, Car, Truck, Motorcycle): truck.
6. Debtor's scheduled value of property: \$16,925.00.
7. Movant's estimated value of property: \$15,550.00.
8. Total amount owed to Movant: \$29,074.71.
9. Estimated equity (paragraph 7 minus paragraph 8): \$0.00.
10. Total pre and post-petition arrearages: \$2,112.58.
11. Total post-petition arrearages: \$0.00.
12. Amount of unpaid, past due property taxes, if applicable: n/a
13. Expiration date on insurance policy, if applicable: n/a.
14. **X** Movant seeks relief based on the Debtor's failure to make payments. Debtor's payment history is attached as exhibit "A". Movant represents that the attached payment history is a

current payment history reflecting all payments, advances, charges and credits from the beginning of the loan. Movant further represents that the payment the payment history is self-explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a payment history that does not satisfy these representations.

15. _____ Movant seeks relief based on the Debtor failure to provide a certificate of insurance reflecting insurance coverage as required under the Debtor's pre-petition contracts.
16. If applicable: Name of Co-Debtor: n/a.
17. Based on the foregoing, Movant seeks termination of the automatic stay to allow Movant to foreclose or repossess the Debtor's property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 9.
18. Movant certifies that prior to filing this motion an attempt was made by Billy G. Baca to confer with the Debtor's counsel by telephone on July 17, 2009 at 2:22 p.m. An agreement could not be reached. If requested by Debtor or Debtor's counsel, a payment history in the form attached to this motion was provided at least two business days before this motion was filed. The contact person for this motion is attorney Billy G. Baca, who may be reached at (713) 864-8000.

Date: July 22, 2009

/s/ Billy G. Baca

Movant's counsel signature

BILLY G. BACA

State Bar No. 01486800

S.D. Tex. Bar No. 3719

5225 Katy Freeway, Suite 350

Houston, Texas 77007

(713) 864-8000 (713) 864-0179 facsimile

BGBaca@LBandD.com

Certificate of Service and Certificate of Compliance with BLR 4001

A copy of this motion was served on the persons shown on the attached "Service Exhibit" at the addresses reflected on that exhibit on July 22, 2009 by prepaid United States first class mail. Movant certifies that Movant has complied with Bankruptcy Local Rule 4001.

/s/ Billy G. Baca

Movant's counsel

SERVICE EXHIBIT

Russell Van Beustring

Attorney at Law
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Yolanda Carlette Lawson

10373 N. Sam Houston Pkwy E.
937
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Lowell T Cage

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US Trustee

Office of the US Trustee
515 Rusk Ave Ste 3516
Houston, TX 77002

Yolanda Lawson
220-9127-61376

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July 21, 2009

Payment History

| Date Paid | Principal Paid | Finance Charge Paid | Late Charge Paid | Other Paid | Total Paid |
|------------------|-----------------------|----------------------------|-------------------------|-------------------|-------------------|
| 03/17/09 | \$554.46 | \$48.86 | \$16.68 | | \$620.00 |
| 03/13/09 | \$257.21 | \$362.79 | | | \$620.00 |
| 02/27/09 | | \$620.00 | | | \$620.00 |
| 01/30/09 | | \$620.00 | | | \$620.00 |
| 01/04/09 | | \$620.00 | | | \$620.00 |
| 11/26/08 | | \$620.00 | | | \$620.00 |
| 08/01/08 | | \$614.44 | | | \$614.44 |
| 06/05/08 | \$89.65 | \$530.35 | | | \$620.00 |

EXHIBIT A